

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 11-3028 PA (MANx) Date April 27, 2011

Title Maria Holden v. Novartis Pharmaceuticals Corp.

Present: The PERCY ANDERSON, UNITED STATES DISTRICT JUDGE
Honorable

Karen Park

N/A

N/A

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: IN CHAMBERS—ORDER TO SHOW CAUSE

Before the Court is a Complaint filed by plaintiff Maria Holden (“Plaintiff”). The Complaint alleges claims for strict liability, negligent manufacturing, failure to warn, and breach of warranty, arising out of defendant Novartis’ (“Defendant’s”) production and marketing of drugs that cause osteonecrosis of the jaw. Based on the allegations in the Complaint, Plaintiff resides in New Orleans, Louisiana, and Defendant is a Delaware corporation with principal offices located in New Jersey.

The Court orders the parties to show cause, in writing not to exceed 15 pages, why this action should not be transferred to the United States District Court for the Eastern District of Louisiana (“Eastern District of Louisiana”) for the convenience of the parties and witnesses, and in the interests of justice. See 28 U.S.C. §§ 124(a), 1404(a). All factual matters relied upon in the parties’ submissions must be supported by appropriate declarations and admissible evidence. To assist the Court in determining whether transfer is appropriate and in the interest of justice, the parties are directed to address the following, in addition to sharing their beliefs as to which forum is more convenient for the parties and witnesses:

1. Whether this action could have been brought in the Eastern District of Louisiana;
2. Whether venue is appropriate in the Eastern District of Louisiana;
3. What contacts, if any, each of the parties has to the Central District of California (“Central District”) and to the Eastern District of Louisiana. The parties should include information regarding the location of their administrative offices, real property, sources of revenue, and points of public contact;
4. What connection Plaintiff’s causes of action have to the Central District and to the Eastern District of Louisiana;
5. Which witnesses are expected to be called and where they reside;

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6. The availability of compulsory process to compel attendance of unwilling non-party witnesses in the Central District as compared to the Eastern District of Louisiana;
7. The ease of access to sources of proof in each of the two forums;
8. The expected difference in the cost of litigation in the Central District as compared to the Eastern District of Louisiana; and
9. Whether there are any alternative forums, other than the Central District or the Eastern District of Louisiana, that would be more convenient for this action and why, keeping in mind the inquiries above.

Plaintiff is ordered to file a response to this Order no later than May 5, 2011. Plaintiff is ordered to personally serve a copy of this Order on any defendant that has already been served with the Complaint within three (3) court days of the date of this Order or at the time of service for any defendant that has not already been served. Failure to timely respond to this Order may result in the dismissal of this action without prejudice.

IT IS SO ORDERED.